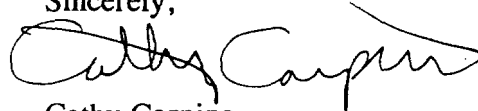


November 6, 2000. The Department seeks to reconcile to what extent Digital Broadband has pre-qualified its loops and how frequently it requests Verizon's manual loop qualification process.

In addition, the Department directs Digital Broadband to provide the Department and Verizon with documentation to support the assertion that the information contained in Verizon's mechanized loop qualification database is inaccurate using July 2000 data by Monday, November 6, 2000. Finally, the Department directs Digital Broadband to provide it and Verizon with data supporting Digital Broadband's contention that approximately 20 percent of Verizon's provisioned loops fail after initially passing testing by Monday, November 6, 2000.

It is the Department's expectation that the carriers and Department staff will resolve whatever data discrepancies exist at this meeting, the time for which will be determined early next week. Please contact me at (617)305-3622 if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Cathy Carpino", with a long horizontal flourish extending to the right.

Cathy Carpino

cc: James Connelly, Chairman  
W. Robert Keating, Commissioner  
Paul B. Vasington, Commissioner  
Eugene J. Sullivan, Jr., Commissioner  
Deirdre K. Manning, Commissioner  
Mike Isenberg, Director, Telecom Division  
Paul Afonso, General Counsel

## **APPENDIX 5**

# **New Preorder Transactions For xDSL Loop Qualification – Extended and Loop Makeup Data**

## **Introduction**

Verizon East is developing two new transaction capabilities that will allow CLECs to 1) request xDSL loop qualification information when it is not available from the Loop Qualification Database and 2) to obtain loop makeup information from existing data in its databases on a preordering basis. The purpose of this document is to describe these new transactions and explain how CLECs should interface with Verizon East. The new transactions are referred to as Preorder xDSL Loop Qualification – Extended and Preorder Loop Makeup requests.

The existing Preorder loop qualification transaction will remain after these two new transactions are implemented. In addition, the current order process which allows CLECs to request a loop qualification in conjunction with an order, and if successful, to immediately process an order will also remain in effect.

The following table briefly describes current and new transactions for loop qualification and loop makeup requests.

Trans. #	Existing/ New	Process Type	Description
1	Existing	Pre-Order	No change to existing process. Request DSL Loop Qualification from Loop Qualification Database (LQD). E.g., LQD response provides either loop length, reason not qualified, including an indication when data is not available from LQD.
2	Existing	Order	No change to existing process. Request DSL Loop Qualification as part of LSR order. If loop is qualified, order will be confirmed. If loop is not qualified, LSR will be queried. Loop qualification information may exist in LQD or may need to be created and then added to LQD.
3a	Interim	Pre-Order	Interim process. Request loop makeup as it exists in VZ loop makeup (lmu) database. (Separate documentation will be issued to describe interim process).
3b	NEW	Pre-Order	New process. Request for lmu as it exists in VZ loop makeup database. (Described below).
4	NEW	Pre-Order	New process. Request DSL Loop Qualification information to be created when this data is not available from the LQD. (Described below).

## **General Description**

### **Current xDSL Loop Qualification Process:**

Today, a CLEC may electronically submit a pre-order xDSL loop qualification request to the Loop Qualification Database (LQD). Most queries result in loop qualification information being returned to the CLEC. However, there may be cases when the LQD does not contain the requested xDSL loop qualification information. In these cases, a CLEC must then submit an LSR to determine whether the loop is qualified or not.

### **New Process – Preorder “xDSL Loop Qualification – Extended”**

The current process will be enhanced with the introduction of a new transaction called Preorder xDSL Loop Qualification - Extended-. When the existing Pre-order xDSL Loop Qualification request (i.e. today's existing query) is returned as “not qualified” because information could not be obtained from the LQD, the CLEC will have the option of electronically submitting the Preorder xDSL Loop Qualification – Extended

transaction. This transaction requests Verizon to create loop qualification information when it is not available for the LQD. An electronic response will provide the loop length or indicate that the loop does not qualify and the reason why. When a positive response is returned, the CLEC may proceed to submit a firm order/LSR.

**New Process - Preorder Loop Makeup Requests:**

The Preorder Loop Makeup Request will allow CLECs to electronically submit requests for loop makeup based on service address and/or working telephone number information. Actual loop makeup information will be pulled from loop information data that is contained in Verizon East's databases. Approximately 10% of facilities in these databases currently contain loop makeup information. If the requested information exists in Verizon East's databases, an electronic response will provide loop makeup information to the CLEC.

**General Interface Information for New Preorder Loop Qualification and Loop Makeup Transactions**

**Input Data**

**Preorder xDSL Loop Qualification Extended and Preorder Loop Makeup Requests**

Both of these transactions will be made available through the existing pre-order interfaces: EDI, WEB GUI or CORBA. The transaction format specifications will conform to OBF LSOG 4 or LSOG 5 guidelines where such guidelines exist. Responses will be provided using the same interface by which the request was received (i.e. EDI, WEB-GUI or CORBA). Interface development work and deployment will conform to Change Management processes.

The current approach for data input requirements for the Preorder xDSL Loop Qualification Extended transaction and Loop Makeup Request transaction is to base the new transaction specification on the input specification for the existing pre-order xDSL loop qualification transaction.

The existing xDSL loop qualification transaction uses service address or WTN. The new xDSL Loop Qualification - Extended transaction will require service address or WTN (ported or CLEC-owned numbers are not valid) plus NC/NCI code. The new Loop Make-up transaction will require service address or WTN (ported or CLEC-owned numbers are not valid). Use of service address is recommended.

**Output Data**

**Preorder xDSL Loop Qualification – Extended**

Provides Y/N indication of loop qualification and the loop length, if qualified or reason not qualified. if not qualified.

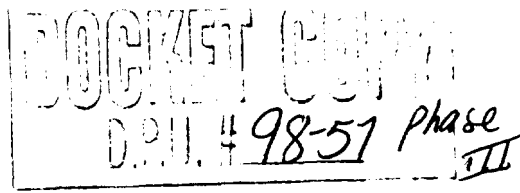
**Preorder Loop Makeup Request**

Fields will be populated with the following information on loop makeup requests.

Segment Length by Gauge  
Bridge Tap Location  
Bridge Tap Length  
Loop Composition (e.g. copper / fiber)  
Existence of Digital Single Subscriber Carrier (DSSC)  
Existence of Load Coils  
Load Coil Spacing  
Load Coil Quantity  
Load Coil Type  
Presence of DLC

## **APPENDIX 6**

Barbara Anne Sousa  
Regulatory Counsel



Room 1403  
185 Franklin Street  
Boston, MA 02110-1585

Phone 617 743-7331  
Fax 617 737-0648  
barbara.a.sousa@verizon.com

January 29, 2001

**VIA E-MAIL and US MAIL**

Mary L. Cottrell, Secretary  
Department of Telecommunications & Energy  
Commonwealth of Massachusetts  
One South Station, Second Floor  
Boston, MA 02110

**Re: D.T.E. 98-57, Phase III**

Dear Ms. Cottrell:

Enclosed for filing in the above-captioned matter, please find Verizon Massachusetts' Motion for Clarification.

Thank you for your assistance in this matter.

Very truly yours,

Barbara Anne Sousa

Enclosure

cc: Cathy Carpino, Esquire, Hearing Officer  
Michael Isenberg, Esquire, Director-Telecommunications Division  
Attached Service List

COMMONWEALTH OF MASSACHUSETTS

DEPARTMENT OF TELECOMMUNICATIONS & ENERGY

Investigation by the Department on its own  
Motion as to the propriety of the rates and  
charges set forth in M.D.T.E No. 17, filed with  
the Department on May 5, 2000 to become  
effective June 4 and June 6, 2000 by New  
England Telephone and Telegraph Company  
d/b/a Bell Atlantic – Massachusetts

**D.T.E. 98-57, Phase III**

**VERIZON MASSACHUSETTS'**  
**MOTION FOR CLARIFICATION**

Verizon Massachusetts (“Verizon MA”) seeks clarification of three aspects of the Department’s January 8, 2001, Order in this phase of the proceeding. They are: (1) whether the ruling allows Verizon MA to charge for conditioning copper distribution facilities for xDSL services when a CLEC requests conditioning of a loop that meets Carrier Serving Area standards; (2) the Department’s finding that Verizon MA keep a UNE-P arrangement intact when CLECs use line splitting to provide voice and data services over the same, Verizon-leased line; and (3) whether the Department’s ruling was intended to modify the *Phase III Order*<sup>1</sup> regarding Verizon MA’s obligation to provide so-called plug and play arrangements at remote terminals. As discussed below, the Department should grant the requested clarification on each of these matters.

<sup>1</sup> D.T.E. 98-57 Phase III (September 29, 2000)

## ARGUMENT

### A. **The Department Should Clarify that Verizon MA May Charge to Condition the Copper Portion of Loops to Provide xDSL Services in Certain Circumstances.**

In the *January 8<sup>th</sup> Order*, the Department confirmed its ruling in the *Phase III Order* that Verizon MA may not charge for conditioning loops to provide xDSL services because the conditioning costs for xDSL services assumed an all copper network that differed from the network assumption of a fiber feeder network used in the TELRIC studies approved in the *Consolidated Arbitrations*. *January 8<sup>th</sup> Order* at 34-35. Regarding Verizon MA's claim that there was copper distribution plant that would have to be conditioned even in a fiber-feeder network, the Department also rejected Verizon's request for reconsideration.

On this latter issue, there was no question that copper facilities comprised a portion of the loop plant in the approved TELRIC studies and that copper loops contain bridge tap. However, the Department denied Verizon MA's request to recover conditioning costs even for these copper facilities based on Covad's claim that CLECs would not need conditioning on this portion of the loop. Specifically, the Department relied on Covad's assertion that, if Verizon MA followed Carrier Serving Area ("CSA") standards for its copper distribution plant, there would be no more than 2,500 feet in total bridged tap on each loop and no single bridged tap longer than 2,000 feet. *January 8<sup>th</sup> Order* at 30, 36. According to Covad, this amount of bridged tap would not affect xDSL services, and CLECs would have no reason to seek conditioning or loop make-up information. *Id.*, at 30. The Department noted that, since the record indicated Verizon MA engineered its copper distribution plant to the CSA standards, conditioning would therefore be unnecessary for xDSL service. *Id.*, at 36-37.

Left unanswered by the *January 8<sup>th</sup> Order* is whether Verizon MA may charge if a CLEC requests conditioning on CSA-compliant copper loop distribution, *i.e.*, those that have less than

2,500 feet in total bridged tap on each loop and no single bridged tap longer than 2,000 feet. This requires clarification because the possibility that a CLEC will request conditioning on these facilities is more than theoretical. Despite Covad's claim to the contrary, Verizon MA expects that CLECs will request conditioning even when distribution loops are CSA-compliant. Indeed, one CLEC in particular is now requesting that Verizon MA remove *all* bridged tap on xDSL loops, even those under 2500 feet. The simple fact is that CLECs have an incentive to require that Verizon MA "clean" all loops if conditioning is free. The Department's *January 8<sup>th</sup> Order* cannot reasonably be read to deny Verizon MA the ability to charge in these circumstances. If such loops are fully capable of supporting xDSL service, as the Department found based on Covad's representation, a CLEC may use them without any conditioning. However, if a CLEC requests conditioning, it should pay for this work. Authorizing Verizon MA to charge to condition CSA-compliant loops upon CLEC request is consistent with the Department's ruling. The Department should, accordingly, clarify that Verizon MA may recover its costs from CLECs when they request conditioning on CSA-compliant loops.

**B The Department Should Clarify Its Ruling Concerning UNE-P Line Splitting.**

The *January 8<sup>th</sup> Order* granted WorldCom's request that the Department reconsider its determination in the *Phase III Order* that Verizon MA was not required to provide line splitting on UNE-P arrangements. Based on a reexamination of the FCC ruling in the *SBC Texas Order*,<sup>2</sup> the Department concluded that its initial interpretation of that order was incorrect and that the FCC required Verizon to "keep the UNE-P arrangement intact when CLECs use line splitting to provide voice and data services over the same, Verizon-leased line." *January 8<sup>th</sup> Order* at 52.

<sup>2</sup>

*Application of SBC Communications Inc., Southwestern Bell Telephone Company, and Southwestern Bell Communications Services, Inc. d/b/a Southwestern Bell Long Distance Pursuant to Section 271 of the Telecommunications Act of 1996 to Provide In-Region, InterLATA Services in Texas*, CC Docket No. 00-65, Memorandum Opinion and Order, 15 FCC Rcd 18354.

Verizon MA requests that the Department clarify that its ruling concerning line splitting is intended to require that the Company provide line splitting pursuant to FCC requirements and that the Department was not imposing a different or additional requirement on Verizon MA. The Department addressed the issue solely on the basis of the parties' claims concerning the meaning of various FCC rulings, and the *January 8<sup>th</sup> Order* rests solely on a reexamination by the Department of the *SBC Texas Order*. The Department noted: "While the FCC's intention in the *SBC Texas Order* could be clearer, a careful second review of this Order, and particularly paragraph 330, convinces us that we erred in our original interpretation. The issue here is not whether Verizon must offer line splitting, but whether the FCC requires ILECs to keep the UNE-P intact for CLEC line splitting." *Janua. v 8<sup>th</sup> Order* at 52. The Department's understanding of FCC requirements is thus the only basis for the ruling.

The source of the line-splitting obligation is important. The FCC continues to clarify its line splitting requirements, and in fact, issued an order within the last week that clarified both its *Line Sharing Order* and the *SBC Texas Order* on the line splitting arrangement. In its *Order on Reconsideration*<sup>3</sup> in CC Docket No. 98-147 and CC Docket No. 96-98, the FCC clarified that, while incumbent LECs must allow competing carriers to offer both voice and data service over a single unbundled loop, a UNE-P arrangement does not remain "intact" as the Department indicated the FCC had previously ruled. Rather, the FCC stated that once line splitting is added into the mix, a UNE-P configuration is replaced with a configuration of elements that allows for both voice and data services. The FCC ruled that a CLEC can order an unbundled xDSL-capable loop terminated to a collocated splitter and DSLAM equipment and unbundled switching

---

<sup>3</sup> *Deployment of Wireline Services Offering Advanced Telecommunications Capability and Implementation of the Local Competition Provisions of the Telecommunications Act of 1996*, Third Report and Order on Reconsideration in CC Docket No. 98-147, Fourth Report and Order on Reconsideration in CC Docket No. 96-98 (January 19, 2001).

combined with shared transport *to replace* its existing UNE-platform arrangement with a configuration that allows provisioning of both data and voice services. *Order on Reconsideration* at ¶ 19. The FCC recognized that an “incumbent LEC must perform central office work necessary to deliver unbundled loops and switching to a competing carrier’s physically or virtually collocated splitter that is part of a line splitting arrangement.” *Id.*, at 20. And, the FCC urged incumbent LECs and CLECs to work together to develop processes and systems to support competing carrier ordering and provisioning of unbundled loops and switching necessary for line splitting. *Id.* Thus, the FCC’s *Order on Reconsideration* clarifies that line splitting constitutes a new configuration of loop, splitter and switching elements that enables a CLEC alone or with another CLEC to provide voice and data services over a single loop, but it is not a configuration in which the UNE-P arrangement remains intact.

The Department should clarify that the *January 8<sup>th</sup> Order* is intended only to reflect FCC requirements regarding line splitting. Verizon MA will comply with the FCC’s requirement as most recently clarified in its *Order on Reconsideration*.

**C. The Department Should Clarify That It Has Not Yet Determined Whether to Require Verizon MA To Make Plug and Play Arrangements Available.**

In the *Phase III Order*, the Department directed that Verizon file a proposed tariff to “enable CLECs to place or have Verizon place CLEC-purchased line cards in Verizon’s DLC electronics at the RT (options 2 and 3 proposed by Covad).” *Phase III Order* at 86. These are referred to as so-called plug and play arrangements. The Department recognized that Verizon MA does not today deploy line cards in DLC at RTs and that such technology does not exist in Verizon MA’s network. *Id.*, at 88. Consequently, the Department stated that it “will not direct Verizon to make available equipment not currently found in its network for CLEC use or to purchase equipment solely for use of CLECs.” *Id.* The Department also recognized that the four

conditions set forth in 47 C.F.R. §51.319(c)(3)(b) must be met before Verizon MA could be ordered to offer the “plug and play” options proposed by Covad. *Phase III Order* at 88.

Despite these factors, the Department decided to begin investigating plug and play arrangements in advance of deployment of the technology by having Verizon MA file a proposed tariff. The Department took this action to prevent any head start Verizon MA’s data affiliate may have if the technology was deployed in the future. *Id.*, at 88-89. However, the Department clearly stated that, although requiring Verizon MA to file a proposal, it was not thereby precluding the Company from raising legal, technical, or operational issues associated with plug and play arrangements during the investigation but would examine and address those claims when presented. *Id.*, at 89.

Verizon MA sought reconsideration of the Department’s ruling. It requested that instead of preparing a plug and play tariff, the Company be permitted to develop a service that meets the CLECs’ needs while taking into account our network infrastructure and FCC requirements. The *January 8<sup>th</sup> Order* denied that motion. The Department ruled that, while Verizon MA could file an alternative proposal, it would not relieve the company of the obligation to file a plug and play proposal. *January 8<sup>th</sup> Order* at 43.

At least two CLECs have publicly stated that the *January 8<sup>th</sup> Order* decided that Verizon MA has an affirmative obligation to provide plug and play arrangements. In a press release concerning the Order, Rhythms claimed that “[t]he decision ... ensures Rhythms’ right to place its own line cards in upgrading Verizon remote terminals.” (A copy of the press release is attached.) Likewise, at an industry meeting held in Maryland on January 17, 2001, counsel for Covad asserted that the *January 8<sup>th</sup> Order* mandated that Verizon MA provide CLECs with such

arrangements. These claims are simply wrong, and their erroneous interpretation of the Order provides cause for the Department to clarify its ruling.

In the *January 8<sup>th</sup> Order*, the Department understandably did not repeat the discussion in the *Phase III Order* regarding its reasons for ordering Verizon MA to file a plug and play proposal. The Department also did not restate its finding that it would address any legal, technical, or operational issues raised by Verizon MA in the investigation of the proposal and that based upon its review may *not* require Verizon MA to implement plug and play arrangements. *Phase III Order* at 89. The fact that the *January 8<sup>th</sup> Order* did not repeat all of the findings contained in the *Phase III Order* cannot be interpreted, as Rhythms and Covad have, as modifying the Department's earlier ruling. Rather, the Department dealt only with the limited issue before it, namely, Verizon MA's request to propose for consideration a different serving arrangement than plug and play.

The *Phase III Order* is clear that the Department has not reached any decision regarding plug and play arrangements and ultimately may not order such arrangements based on its further investigation. There can be no reasonable dispute regarding the Department's intent. In fact, in arguing against Verizon MA's request for reconsideration, Rhythms noted that the *Phase III Order* did not require that Verizon MA offer a plug and play option but provided only for further investigation of such arrangements. *Opposition of Rhythms Links Inc. To Verizon Massachusetts' Motion for Partial Reconsideration* at 8 (dated November 9, 2000). Nothing in the *January 8<sup>th</sup> Order* affects that ruling. To avoid any confusion, and further public posturing by Rhythms and Covad, the Department should clarify that *January 8<sup>th</sup> Order* did not modify what is clear in the *Phase III Order* – the Department has made no decision at this time regarding

any legal, technical, or operational issue associated with plug and play arrangements but will address these in its investigation of Verizon MA's proposals.

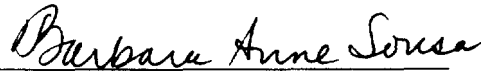
### CONCLUSION

For the foregoing reasons, Verizon MA's requests that the Department grant this Motion for Clarification.

Respectfully submitted,

VERIZON MASSACHUSETTS

By its attorney,

A handwritten signature in cursive script that reads "Barbara Anne Sousa". The signature is written in dark ink and is positioned above a horizontal line.

Bruce P. Beausejour  
Barbara Anne Sousa  
185 Franklin Street, Room 1403  
Boston, Massachusetts 02110-1585  
(617) 743-2445

Dated: January 29, 2001



# RHYTHMS™

Where Internet connections  
are moving.™

## **RHYTHMS CONTINUES SUCCESSFUL REGULATORY LITIGATION**

### **Massachusetts DTE Decision Expands Broadband Services Provider's Market Reach and Lowers Line-Sharing Operating Costs**

**ENGLEWOOD, Colo., January 11, 2001** — Rhythms NetConnections Inc. (Nasdaq: RTHM) today announced support for portions of a line-sharing arbitration reconsideration decision from the Massachusetts Department of Telecommunications and Energy (DTE), allowing the company to serve more customers with its digital subscriber line (DSL)-based, high-speed Internet access services in Verizon Communication's Massachusetts territory.

The decision ensures Rhythms' right to use customers' existing voice lines to provide data services, even in certain situations where the voice services are provided by an entity other than Verizon. The decision also ensures Rhythms' right to place its own line cards in upgraded Verizon remote terminals. These two aspects of the decision improve Rhythms' abilities to reach more customers, scale more rapidly and offer more robust high-speed access solutions. In addition, the DTE denied Verizon's request to charge Rhythms for qualifying and conditioning line-shared lines.

"The important parts of this decision continue a national trend of public utilities commissions (PUCs) ruling in favor of competitive providers' abilities to reach more customers with better DSL-based access services," said Jeffrey Blumenfeld, Chief Legal Officer and General Counsel of Rhythms. "By ensuring our ability to use customers' existing voice lines for data services and the right to place our own cards in remote terminals, we can bring the benefits of the most robust broadband service offerings to customers."

Rhythms, an international provider of broadband communication

services, will immediately benefit from the DTE's decision. Rhythms provides line-shared services in each of the major incumbent local exchange carrier regions. Numerous state public utilities commissions are presently considering costing and operational issues regarding the implementation of line-shared services.

Rhythms also applauded a recommendation from an Illinois hearing examiner that proposes a zero dollar charge for line-shared lines, loop qualification and SBC Communications, Inc.'s back-office modifications that will assist in the more rapid deployment of line-shared services in SBC's Illinois territory. The recommendation also ensures Rhythms' right to place its own line cards in SBC's "Project Pronto" remote terminals in Illinois.

Line sharing will enable consumers to order DSL-based services without having to install a second line. Consumers will also enjoy the convenience of being able to install the line-sharing equipment themselves, eliminating the need for a professional installer to visit their home.

Rhythms' services include high-speed connectivity to the Internet and private networks at speeds ranging from 128 kbps to 8.0 Mbps. Rhythms' customers include Internet service providers, telecommunications carriers and broadband communication services resellers.

### **About Rhythms**

Rhythms NetConnections Inc. (Nasdaq: RTHM) provides DSL-based, broadband communication services to businesses and consumers. Based in Englewood, Colo., Rhythms currently serves 60 markets, covering 97 MSAs. Telecommunications services for Rhythms are provided by Rhythms Links Inc., a wholly owned subsidiary of Rhythms. For more information, call 1-800-RHYTHMS (1-800-749-8467), or visit the company's Web site at [www.rhythms.com](http://www.rhythms.com).

### **Contacts:**

Corinne Mahoney  
Rhythms Public Relations  
303-876-5052  
[cmahoney@rhythms.com](mailto:cmahoney@rhythms.com)

####

Rhythms, Rhythms NetConnections and (any product names for which trademark applications have been filed) are trademarks of Rhythms NetConnections Inc.